

ROBERT HARGROVE,)
)
Plaintiff,)
)
vs.) **Case No. 4:11CV2029 LMB**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

This is an action under 42 U.S.C. § 405(g) for judicial review of defendant's final decision denying plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, and Supplemental Security Income benefits under Title XVI of the Act. Currently pending is Defendant's Motion to Reverse and Remand with Suggestions in Support. (Document Number 22). Plaintiff has filed a Response to defendant's motion. (Doc. No. 23).

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process. Defendant requests that the court enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner.

Sentence four of 42 U.S.C. § 405(g) provides that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” However, in order for the court to properly remand a case to the Commissioner pursuant to sentence four, the court must enter an order either affirming, modifying or reversing the Commissioner’s decision. See Brown v. Barnhart, 282 F.3d 580, 581 (8th Cir. 2002).

The undersigned believes that it is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in his motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Reverse and Remand with Suggestions in Support (Doc. No. 22) be and it is **granted**.

IT IS FURTHER ORDERED that the decision of the Commissioner be **reversed** and this case be **remanded** to the Commissioner for further proceedings pursuant to sentence four of § 405(g) for those reasons set forth in this Memorandum and Order. A separate written judgment will be entered in favor of the plaintiff and against the defendant.

Dated this 26th day of June, 2012.

A handwritten signature in cursive script, reading "Lewis M. Blanton". The signature is written in dark ink with some red ink visible in the middle of the name.

LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE